

Commissioners:
G. Hanson
S. Kolbeck
D. Johnson
Governor Mike Rounds

RECEIVED
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SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

To Whom It May Concern:

I am writing this letter as a result of the concern that we have, along with some very passionate, motivated, responsible citizens who own land or rent land, farm and live in Marshall County. We are very concerned about the TransCanada proposed pathway for the oil pipeline.

My husband and our families live with in a ½ mile of the original well for the BDM water system which serves a very large number of farms and rural households in north east SD covering more than 50 mile diameter of water pipe lines across the counties of Marshal, Day, Roberts and Brown. The Upper James Aquifer that BDM has tapped into is an abundant source of good quality water for the citizens of these counties where the availability of water or good quality water was virtually unavailable until the establishment of this rural water system.

Our greatest concern is the potential for endangering this gigantic under ground aquifer to a potentially devastating leak or pipe breakage from this pipeline into the aquifer. We all know that this is a very real danger. We all have read about the pipe line explosion in Wisconsin within the last year. It has happened and will happen. It is just a matter of time and where this will happen is a crap shoot. Arguing about the percentages of whether or not a leak might happen is just not part of the discussion. We must, as responsible citizens, protect this very important resource not only for ourselves but for future generations who will live here and want to farm and continue the legacy of the land. We must not sacrifice future generation's quality of life for our glutinous use of oil in this country.

Living as close as we do to the BDM rural water well, we have an easement signed for a water pipe line crossing our farm land to the east which serves rural residents and farmers in east Marshall and Roberts County. This was agreed to knowing the need for good quality water and that this project was "for the greater good." As we have been given the responsibility of being good stewards of the land that we own and farm for future land owners, and anyone who would rent our land, it was our duty to make sure that the land was returned back to the natural state and value before construction of the water pipe line. This included a prearranged agreement that the construction company would pile good fertile top soil on one side of the trench and as they dug deeper piling clay on the other side of the trench. Any rocks dug up in this process were to be piled in a designated area that we chose in the field allowing for uninterrupted farming for the remainder of the

growing and harvesting season or were to be buried. A lot of promises were made prior to construction by the manager of the BDM pipeline.

This process was observed by my husband on a daily basis to ensure that the agreement was followed precisely as was determined. Had we not been able to be near by and watch the construction process, we firmly believe that it would not have been done to preserve the fertility of the land. As this pipe line continued up into the Coteau Hills to the east, some rancher/farmers did not make easement specifications as we did, and they ended up having clay paths across fields and pastures which were strewn with rocks dug up during the construction process. Some farmers, we know personally, spent weeks removing rocks from the pipe line after the construction crew had long since moved on to another section of the construction. We all know why this occurred as it took much longer to cross our field with the added details of the easement. **It all came down to time and money** with no regard to the owners/ranchers personal property and the fact that they willingly signed easements “for the greater good” with no compensation for the time and labor to repair the destruction of the property nor was there water available from this pipe line an option as compensation to the land owner, nor was it asked for by the landowners.

Signing land easements for water pipe lines was a lesson well taken by my husband in a previous easement granted by my father-in-law for a water line to be constructed crossing another field owned by us just north of the BDM pipe line during the late 60's to early 70's. This line was to pipe water from White Lake in Marshall County to the city of Britton, SD. We did not receive any of this water for our own use. We have maintained our own 3 wells for house hold use and for livestock and still do to this day. During this construction a trench was dug, dirt was piled on one side with no regard for preserving the top soil, and a pipe was laid. Dirt was then piled back in the trench, rocks and all. To this day, some 40 years later, you can still see the trench in the soil. There is a clay path leading all the way across the field directly above the pipe line. **Most people know that nothing grows in clay but weeds.** My husband has farmed that field for over 30 years and has seen every growing season what that easement has done to the fertility and value of that piece of farm land, all “for the greater good of the people”. This pipe line has since been abandoned due to poor water quality and the city of Britton now is totally BDM supplied. The water from White Lake is used only as a back up should there be interruption of service from BDM.

With some 40 years of experience in signing easements “for the greater good of all people” we are **very much against a company from outside of the US constructing an oil pipeline across the top of a very expansive body of fresh underground water supply in the north east area of South Dakota specifically Marshall County!**

As previously mentioned, in the instance of the construction for the BDM pipe line, the construction company was from North Dakota and for the easement back in the 1960s – 1970s it was also a construction crew from a two state area. There was blatant disregard for the land and its owners. If this can happen with construction companies owned locally or just in the state adjacent to us with the same liability responsibilities and laws

regarding personal property, what will happen when a company has no legal responsibilities to repair, maintain and financially support clean up of any future disasters that will happen as a result of a natural disaster or a leak or degradation due to erosion of the pipe lines over time?

My husband rents a portion of land that the proposed pipe line will cross and owns wells that tap into the same aquifer that BDM is tapped into. We have as much at stake as anyone in this venture. Should this project be approved and construction starts, we would be in a position to watch on a daily basis, along with the land owner, the progression of the construction and would be available to address any issues that would be encountered immediately before equipment and personnel leave the area. What are the land owners to do, in the case, where the land owner does not live in the area or even the state and depends on neighbors or friends to watch out for their investment? If construction is not done with preservation of the value of the land and respect for land owners and their renters, who will be there to enforce our laws and to hold this company responsible for damages. Will they be held responsible for anything, whether it is during construction or 50 years "down the pipe line" as they are not a US company.

With our past experience with easements for just water pipe lines and the constant vigil that we needed to maintain, a break in a water pipe line is of little consequence other than the ground would not grow a crop because of too much water or we would not be able to combine that crop because of the ground being too wet. Eventually the water would dry up or soak down into the ground and cause very little permanent damage. A leak would be detected fairly quickly with monitoring of the amount of water traveling through the lines or so we have been told.

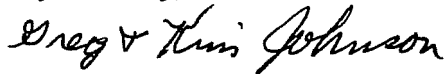
With an oil leak, this would cause irreversible damage to a body of water the size of the aquifer that BDM has tapped into, not to mention the land that could be contaminated in a very short time. How soon would a clean up occur and who would pay for the clean up. Who would determine that the clean up was sufficient enough to grow a crop the next year if that would even be possible. If a leak would occur, or a natural disaster would cause a break, who would compensate the land owner for loss of personal property and future losses of income. Would it come down to who ever had the best lawyer or who could cause a delay in the legal system to the point of exhausting the resources of a land owner. Here is another consideration in the event of pipe line leakage or a break. A land owner in the process of selling or renting land in the path of the proposed pipe line with a leak or breakage of the pipe causing the land to be unfertile or devalued, who would compensate the land owner for his loss? What about the farmer who has children who want to farm that land and there is a loss with a leakage or a break. How would you compensate a land owner in the event that the land is never fertile enough again to farm? I think \$2,000 an acre would be a laughable consideration as you could not even put a value on that kind of loss.

These are very real issues here that are not being addressed and should be. We are not the sort of people who say "not in my back yard" just for the sake of being unreasonable, as we have signed land easements in the past for projects "for the greater good of the

people". These are very real issues and we hope that it is taken very seriously by the officials who hold the positions in our local, state, and government offices and commissions. These are natural resources that are not renewable once destroyed. Once they are gone we cannot fix the problem and to replace the natural resources would be astronomical.

Please reconsider the path of TransCanada pipe line and the standard that we would legally be able to hold this company to, as they are not a US company and in the event a leak or break would occur, realize that the preservation of our valuable fertile soil and aquifer in the path of this proposed pipe line is at risk. Don't let us leave a legacy to be known as the generation who didn't protect our water. Slow this project down and get out the thinking caps fellows as we only have one chance to do this right.

Very sincerely,

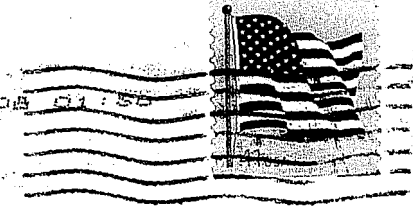
A handwritten signature in cursive script that reads "Greg & Kim Johnson".

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SIoux FALLS.



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